



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Communications (June 27, 1995 through July 11, 1995)

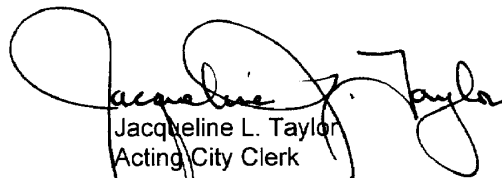
MEETING DATE: July 19, 1995

PREPARED BY: City Clerk

RECOMMENDED ACTION: That City Council set a Public Hearing for the next regular Council meeting, August 2, 1995, to discuss this item.

BACKGROUND INFORMATION: Letters received from Stephen C. Snider on behalf of Richard Galantine concerning off-site improvements and dedications, and development impact mitigation fees assessed on the property located at 901 South Cherokee Lane

FUNDING: None required.


Jacqueline L. Taylor
Acting City Clerk

JLT

Attachment

APPROVED: _____

THOMAS A. PETERSON
City Manager

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CLERK OF SUPERIOR COURT
COUNTY OF Lodi

NOTICE OF APPEAL

Pursuant to Section 15.44.100 of the Lodi Municipal Code, Richard Galantine hereby appeals the decision of the Public Works Director to subject the property located at 901 South Cherokee Lane to the conditions and requirements of Chapter 15.44 of the Lodi Municipal Code, Off-Site Improvements and Dedications.


The basis of the appeal includes, but is not limited to:

1. Representations made to Mr. Galantine by City staff concerning the applicability of the Off-Site Improvements and Dedications provisions.
2. The works performed by Mr. Galantine do not constitute a "development."
3. The works performed by Mr. Galantine are exempt pursuant to Lodi Municipal Code Section 15.44.040.
4. The application of Chapter 15.44 represents a taking without just compensation.
5. Mr. Galantine's procedural and substance of due process rights have been violated.
6. The imposition of Chapter 15.44 is arbitrary, unreasonable and capricious.

DATED: July 5, 1995.

MULLEN, SULLIVAN & NEWTON

By


STEPHEN C. SNIDER
Attorneys for
Richard Galantine

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REQUEST FOR FEE ADJUSTMENT OR WAIVER

Pursuant to Section 15.64.120 of the Lodi Municipal Code, Richard Galantine hereby requests a fee adjustment or waiver from the Public Works Director concerning the development impact mitigation fees assessed on the property located at 901 South Cherokee Lane. Richard Galantine was notified of said imposition on June 26, 1995.

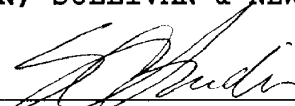
The basis of this request includes, but is not limited to:

1. Representations made to Mr. Galantine by City staff concerning the applicability of the development impact mitigation fee and the cost thereof.
2. The applicability of the development impact mitigation fee to the works performed by Mr. Galantine.
3. The fees are being imposed for matters not reasonably related to the work done by Mr. Galantine.
4. The works performed by Mr Galantine do not constitute a "development."
5. The mitigation fees sought are not directly or indirectly related to the work done by Mr. Galantine or the affects thereof.
6. The work done by Mr. Galantine will not generate new demand for facilities.
7. The amount of the fees is arbitrary, unreasonable and capricious.

DATED: July 5, 1995.

MULLEN, SULLIVAN & NEWTON

By


STEPHEN C. SNIDER
Attorneys for
Richard Galantine